

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:03-00025

DAN CLINTON ADAMS

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER  
MEMORANDUM OPINION AND ORDER

On November 3, 2010, the United States of America appeared by William B. King, II and Steven I. Loew, Assistant United States Attorneys, and the defendant, Dan Clinton Adams, appeared in person and by his counsel, Mary Lou Newberger, Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Douglas W. Smith, the defendant having commenced a three-year term of supervised release in this action on October 3, 2007, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on June 24, 2003.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant committed the federal and state offense of felon in possession of a firearm inasmuch as he possessed the firearm in violation of the conditions of supervised release on July 10, 2010, at which time he was arrested for being a prohibited person in possession of a firearm and discharging the firearm within 500 feet of a residence as evidenced by his stipulation on the record of the hearing that the government has sufficient evidence to prove the offenses by a preponderance of the evidence; (2) that the defendant used cocaine as evidenced by a urine specimen provided by him on June 28, 2010, at which time he admitted to the probation officer that he had been smoking crack cocaine throughout the previous month; and (3) that the defendant failed to submit to random urinalysis as directed on July 6 and 28, August 4 and 30, and September 1, 2010; all as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3553(a), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TWELVE MONTHS AND ONE DAY, to be followed by a term of two (2) years less one day of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime.


The court directs that the two years less one day term of supervised release commence to run as of November 3, 2010, prior to the defendant reporting for service of his sentence and supervised release shall resume once the sentence of imprisonment has concluded.

The defendant shall remain on his previously executed bond and surrender for service of the sentence to the institution designated by the Bureau of Prisons by 2:00 p.m. on December 3, 2010.

Recommendation: The court recommends that the defendant be designated to FCI Beckley.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: November 15, 2010

  
John T. Copenhaver, Jr.  
United States District Judge